

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE CONSUMER)
DATA SECURITY BREACH LITIGATION) MDL No. 1:19md2915 (AJT/JFA)
_____)

ORDER

This matter is before the court on five motions to seal relating to motions to exclude portions of the report and testimony of Stuart E. Madnick filed by Capital One and Amazon. These include plaintiffs' motions to seal their oppositions (Docket nos. 1822, 1824, 1834), Amazon's motion to seal its reply (Docket no. 1896), and Capital One's motion to seal its reply (Docket no. 1909). With each of the motions to seal, the party filing the motion submitted a memorandum in support, a notice of filing, and a waiver of hearing. Redacted versions of the memoranda filed by the parties have been filed on the public docket. (Docket nos. 1821, 1839, 1905, 1907). Capital One and Amazon have filed responses supporting plaintiffs' motions to seal. (Docket nos. 1858, 1866, 1859, 1867). No opposition or response has been filed by any other party or the public and the time for doing so has expired.

Having reviewed the motions, memoranda, responses, and materials being sought to be filed under seal, and taking into consideration that the common law right of access standard applies to these motions *in limine*, the court finds that the limited redactions to the memoranda and the exhibits filed under seal do contain confidential, proprietary, and security sensitive information and that information should remain under seal. Accordingly, it is hereby

ORDERED that these motions to seal (Docket nos. 1822, 1824, 1834, 1896, 1909) are granted.

By allowing these materials to be filed under seal concerning these motions involving the common law right of access standard, the court is not making a determination that this information will remain under seal during any further proceedings or the trial of this action where the First Amendment right of access standard would apply.

Entered this 7th day of September, 2021.

 /s/ JFA
John F. Anderson
~~United States Magistrate Judge~~
John F. Anderson
United States Magistrate Judge

Alexandria, Virginia